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AMENDED IN SENATE AUGUST 7, 2000

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AMENDED IN ASSEMBLY APRIL 13, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 707

Introduced by Assembly Member House
(Coauthor: Assembly Member Robert Pacheco)
(Coauthors: Senators Hughes and Polanco)

February 24, 1999

An act to amend Section 88091 of, and to add Section 44265.10 to, the Education Code, relating to educational employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 707, as amended, House. Educational employees.

(1) Existing law requires the Commission on Teacher Credentialing to issue a 2-year services credential with a specialization in pupil personnel services, solely for the purpose of counseling deaf and hearing-impaired pupils, to any prelingually deaf candidate, provided the applicant has met certain requirements. Existing law exempts prelingually deaf applicants from the basic skills proficiency test requirement.

This bill would specifically make the above provisions applicable to a prelingual deaf person with a 2-year services credential with a specialization in pupil personnel services, solely for the purpose of counseling deaf and hearing-impaired pupils as a school psychologist.

(2) Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state. Existing law provides procedures for the filling of vacancies in the classified service of community college districts.

This bill would authorize the governing board of a community college district to exempt designated senior classified administrative employees, as defined, who are hired on or after January 1, 2001, from these procedures. The bill would specify procedures for the filling of vacancies occurring in positions that are exempted under this bill.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 44265.10 is added to the
2 Education Code, to read:
3 44265.10. (a) The Commission on Teacher
4 Credentialing shall issue a two-year services credential
5 with a specialization in pupil personnel services, solely for
6 the purpose of counseling deaf and hearing-impaired
7 pupils as a school psychologist, to any prelingually deaf
8 candidate upon medical or other appropriate professional
9 verification, provided the candidate has met the
10 minimum requirements specified in Section 44266.
11 (b) An applicant under this section is exempted from
12 the requirements in Section 44252 and subdivision (b) of
13 Section 44830.
14 (c) "Prelingually deaf" means a person who suffered
15 a hearing loss prior to three years of age that prevents the

1 processing of linguistic information through hearing,
2 with or without amplification.

3 (d) The services credential issued under this section
4 authorizes the holder to serve at all grade levels as a
5 school psychologist of deaf and hearing-impaired pupils
6 who are enrolled in state special schools or in special
7 classes for pupils with hearing impairments.

8 SEC. 2. Section 88091 of the Education Code is
9 amended to read:

10 88091. (a) All vacancies in the classified service shall
11 be filled pursuant to this article and the rules of the
12 commission, from applicants on eligibility lists which,
13 wherever practicable, as determined by the commission,
14 shall be made up from promotional examinations, or
15 appointments may be made by means of transfer,
16 demotion, reinstatement, and reemployment in
17 accordance with the rules of the commission. All
18 applicants for promotional examinations shall have the
19 required amount of service in classes designated by the
20 commission or meet the minimum qualifications of
21 education, training, experience, and length of service,
22 which shall be determined by the commission to be
23 appropriate for the class for which they have applied. Any
24 promotional applicant who has served the required
25 amount of time in a designated class or who meets the
26 minimum qualifications for admission to a promotional
27 examination shall be admitted to the examination.
28 Applicants shall be placed on the eligibility lists in the
29 order of their relative merit as determined by
30 competitive examinations. The final scores of candidates
31 shall be rounded to the nearest whole percent for all
32 eligibles. All eligibles with the same percentage score will
33 be considered as having the same rank. Appointments
34 shall be made from the eligibles having the first three
35 ranks on the list who are ready and willing to accept the
36 position.

37 (b) (1) Upon the request of a majority of the
38 members of the governing board of a community college
39 district, the commission may exempt two executive
40 secretarial positions from the requirements of this

1 section. Exemptions authorized under this subdivision
2 shall be limited to one executive secretary position
3 reporting directly to members of the governing board,
4 and one executive secretary position reporting directly to
5 the chancellor.

6 (2) Any person employed in an exempt executive
7 secretarial position shall continue to be afforded all of the
8 rights, benefits, and burdens of any other classified
9 employee serving in the regular service of the district,
10 except he or she shall not attain permanent status in an
11 executive secretarial position. Positions of executive
12 secretary shall be filled from an unranked list of eligible
13 employees who have been found to be qualified for the
14 positions as determined by the district chancellor *or*
15 *superintendent* and determined by the personnel
16 commission. Any person whose services in an executive
17 secretarial position are discontinued for a cause other
18 than a cause for disciplinary action specified in this code
19 or in a rule of the commission shall have the right to
20 return to a position in a classification he or she previously
21 occupied or, if that classification no longer exists, in a
22 similar classification, as determined by the commission.
23 This subdivision shall apply only to the employees hired
24 on or after January 1, 1988.

25 (c) (1) Upon the request of a majority of the members
26 of the governing board of a community college district,
27 the personnel commission may exempt designated senior
28 classified administrative positions from the requirements
29 of this section. A “senior classified administrative
30 employee” means a classified employee who acts as the
31 chief business, fiscal, facilities, or information technology
32 adviser or administrator for the district chancellor *or*
33 *superintendent* or a college president, as determined by
34 the governing board and certified by the personnel
35 commission.

36 (2) Any person employed in an administrative
37 position exempted under this subdivision shall continue
38 to be afforded all of the rights, benefits, and burdens of
39 any other classified employee serving in the regular
40 service of the district, except that he or she shall not attain

1 permanent status in ~~an~~ *that* administrative position. A
2 vacancy in an administrative position that is exempted
3 under this subdivision shall be filled from an unranked list
4 of eligible persons who have been found to be qualified
5 for the positions as determined by the district chancellor
6 *or superintendent* and the personnel commission. Any
7 person whose services in an administrative position
8 exempted under this subdivision are discontinued for any
9 reason other than for cause as specified in this code or in
10 a rule of the personnel commission shall have the right to
11 return to a position in a classification he or she previously
12 occupied or, if that classification no longer exists, in a
13 similar classification, as determined by the commission.

14 (3) This subdivision shall apply only to employees
15 hired on or after January 1, 2001.

16 (d) Nothing contained in this section shall authorize
17 the selection of eligible candidates in circumvention of
18 the affirmative action programs of any community
19 college district.